

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
1986 FEB 14 AM 9:55
U.S. DISTRICT COURT
NORTHERN DISTRICT
OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

TERRY LITTLE;

and THE LUBRIZOL CORPORATION,

Defendants.

US EPA RECORDS CENTER REGION 5



498216

CIVIL ACTION NO. 84-7801

HON. JOHN W. POTTER

STIPULATION FOR DISMISSAL

WHEREAS, this Stipulation is made and entered into by and between the United States of America on behalf of the Administrator of the Environmental Protection Agency and defendant Terry Little, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure; and

WHEREAS, the United States has filed a Complaint in this case alleging that Terry Little, among others, is jointly and severally liable to the United States pursuant to Section 104 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§9604 and 9607, for \$161,424.49 in costs incurred by the United States for removal and remedial actions undertaken at a site in Ballville Township, Sandusky County, Ohio, known as "Greiner's Lagoons" (hereinafter referred to as the "Site").

WHEREAS, the United States has entered into a stipulation for dismissal in this case with the Lubrizol Corporation, in consideration of reimbursement by Lubrizol, of an approximate eighty (80) percent of past costs incurred by the United States at the Site; and

WHEREAS, the United States has entered into a settlement agreement with non-defendant corporate entities, in consideration of reimbursement by those corporations, of an approximate seventeen (17) percent of past costs incurred by the United States at the Site;

NOW THEREFORE, in order to avoid the cost of further litigation, the United States and defendant Terry Little hereby agree as follows:


1. The United States' claims against Terry Little shall be dismissed without prejudice.

2. This stipulated dismissal is not intended to release from liability any person or entity not a part of this Agreement. The United States expressly reserves all claims, demands and causes of action, either judicial or administrative, in law or equity, against any person or entity not party to this agreement for any matter arising at the Site. The United States also expressly reserves all claims, demands, and causes of action, either judicial or administrative, in law or equity, against any person or entity for any future response actions or response related costs at the site.

3. Defendant Terry Little agrees not to assert any claims or demands for compensation or payment under Sections 111 and 112 of CERCLA, 42 U.S.C. §§9611 and 9612, against the United States or the Hazardous Substances Trust Fund established by Section 221 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9631, for or arising from any activity performed or expenses accrued pursuant to this matter.

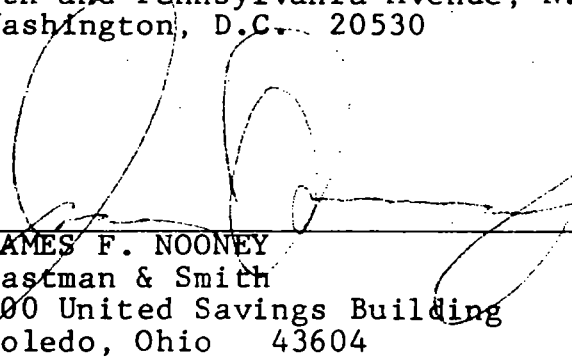
Accordingly, it is stipulated that this claim against Terry Little be and is hereby dismissed without prejudice pursuant to Rule 41(a)(1)(ii), Federal Rules of Civil Procedure.

FOR THE UNITED STATES


ROSS L. CONNEALY
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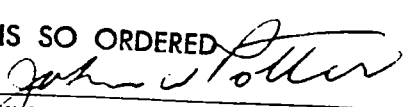
DATE: Feb. 7, 1986

FOR TERRY LITTLE


JAMES F. NOONEY
Eastman & Smith
800 United Savings Building
Toledo, Ohio 43604

DATE: Feb. 12, 1986

IT IS SO ORDERED


JOHN W. POTTER
UNITED STATES DISTRICT JUDGE